IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2355 OF 2005
IN
SUIT NO.2189 OF 2005

Mohammed Siddique ..Plaintiff

Vs.

Punjab and Maharashtra Bank and Ors.. Defendants

Mr.Shailesh Shah i/b Thakordas and Madgaonkar for the plaintiff

Mr.B.H.Prasad Sharma for the defendants

CORAM : S.U.KAMDAR, J
DATED : 31ST AUGUST, 2005

P.C.:

1. By consent of the parties, the motion is placed on board for final hearing and disposed of. Heard the parties:

2. The present suit is filed by the plaintiff who is a licensee in respect of flat no.502, L.I.B., Oak Land Park, Yamuna Nagar, Lokhandwala, Andheri (West). He is supposed to have taken licence from the defendant no.2. It seems that there were proceedings initiated by the defendant no.1 bank under the provisions of Secuterisation

Act 2002 and by passing an order under s.14 the bank has taken possession of the said property. The learned counsel for the defendant no.1 bank however states that thereafter on 4.8.05 the said property was returned back to defendant no.2 and defendant no.2 has in turn sold the same. Defendant no.1 states that they have received the dues on 30.7.05 from the sale proceeds of the said flat.

3. Thus the suit as against defendant no.1 on the basis that they are in possession of the property does not survive any more. In fact the property has been returned back to the defendant no.2. In that view of the matter, the present motion is dismissed with liberty to the plaintiffs to adopt appropriate proceeding against defendant no.2 in the court of appropriate jurisdiction. Motion dismissed accordingly. No order as to costs.